



Department of Justice

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JUSTICE DEPARTMENT WILL NOT OPPOSE PROPOSAL BY TRUCKING COMPANIES FOR BENCHMARKING SURVEY

WASHINGTON — The Department of Justice announced today that it will not oppose a proposal by the National Association of Small Trucking Companies (NASTC) and Bell & Company (Bell) to conduct an operational and financial survey of small- and medium-sized trucking companies. NASTC and Bell plan to share the collected information in aggregate form with survey participants and others to provide trucking firms with competitive benchmarks. The Department said the proposal is not likely to be anticompetitive and could lead to consumer benefits.

The Department's position was stated in a business review letter sent yesterday from Thomas O. Barnett, Assistant Attorney General in charge of the Department's Antitrust Division, to NASTC and Bell. The letter noted that the safeguards will ensure that the survey does not result in exchanges of competitively sensitive business information. The survey report will be administered by third parties, will contain only aggregated data that is at least three months old, and will be published only if responses to the survey are received from five or more trucking companies.

"Participation by members of an industry in benchmarking surveys does not necessarily raise antitrust concerns," Barnett said in the letter. "In fact, with appropriate safeguards, such surveys can benefit consumers when industry members use information derived from such surveys to gain efficiencies and price their products or services more competitively."

NASTC and Bell propose to conduct an operational and financial benchmarking survey of small- and medium-sized trucking companies. They requested a business review letter from the Antitrust Division stating its enforcement intentions regarding their proposed survey. Through the survey, NASTC and Bell plan to collect data on general company information, equipment, finances, and employee information. The data would then be shared with transport companies in order to enable them to benchmark themselves across the industry.

Under the Department's business review procedure, an organization may submit a proposed action to the Antitrust Division and receive a statement as to whether the Division will challenge the action under the antitrust laws.

A file containing the business review request and the Department's response may be examined in the Antitrust Documents Group of the Antitrust Division, U.S. Department of Justice, 325 7th St. N.W., Suite 215, Washington, DC 20530. After a 30-day waiting period, the

documents supporting the business review will be added to the file, unless a basis for their exclusion for reasons of confidentiality has been established pursuant to Paragraph 10(c) of the Business Review Procedure, 28 C.F.R. § 50.6.

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